

S. _____

To expedite procedures for hazardous fuels reduction activities, and for other purposes.

IN THE SENATE OF THE UNITED STATES.

JUNE 26, 2003

Mr. WYDEN (for himself and Mrs. FEINSTEIN) introduced the following bill, which was read twice and referred to the Committee on

A BILL

To expedite procedures for hazardous fuels reduction activities and restoration in wildland fire prone National Forests and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

1 (a) **FINDINGS.** – Congress finds that:

2 (1) In 2002, approximately six and one half million acres of forest lands in
3 the U.S. burned with varying degrees of severity, 21 people lost their lives, and over
4 3000 structures were destroyed. The Forest Service and Bureau of Land
5 Management spent more than \$1 billion fighting these fires.

6 (2) 73 million acres of public lands are classified as condition class 3 fire
7 risks. This includes 23 million acres that are in strategic areas designated by the U.S.
8 Forest Service for emergency treatment to withstand catastrophic fire.

9 (3) The forest management policy of fire suppression has resulted in an
10 accumulation of fuel loads, dead and dying trees, and non-native species that create

1 fuel ladders which allow fires to reach the crowns of large old trees and cause
2 catastrophic fire.

3 (4) The U.S. Forest Service and the Department of the Interior should
4 immediately undertake an emergency program to reduce the risk of catastrophic fire.

5 (5) This emergency program should prioritize the protection of homes and
6 communities and the restoration of forest health on lands at the highest risk of
7 catastrophic fire. All fuel reduction treatments should protect old growth stands and
8 large trees to ensure a rich and continued species diversity in the nation’s forests.

9 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

10 (a) SHORT TITLE. – This Act may be cited as the “Community and Forest
11 Protection Act”.

12 (b) TABLE OF CONTENTS. – The table of contents for this Act is as follows:

13 Sec. 1. Short Title; Table of Contents.

14 Sec. 2. Hazardous Fuels Reduction Projects.

15 Sec. 3. Expedited Process.

16 Sec. 4. Judicial Review in the United States District Courts.

17 Sec. 5. Contracting.

18 Sec. 6. Biomass Grants.

19 Sec. 7. Forest Stands Inventory and Monitoring Program.

20 Sec. 8. Emergency Fuels Reduction Grants.

21 Sec. 9. Market Incentives for Home Protection.

22 Sec. 10. Ongoing Projects and Existing Authorities.

23 Sec. 11. Preference to Communities that have Ordinances on Fire Prevention.

1 Sec. 12. Sunset.

2 Sec. 13. Authorization of Appropriations.

3 Sec. 14. Definitions.

4 **SEC. 2. HAZARDOUS FUELS REDUCTION PROJECTS.**

5 (a) IN GENERAL. – The Secretaries of Agriculture and the Interior shall
6 conduct immediately and to completion hazardous fuels reduction projects consistent
7 with the Comprehensive Strategy for a Collaborative Approach for Reducing
8 Wildland Fire Risks to Communities and the Environment on an aggregate area of 20
9 million acres of federal land.

10 (1) These projects shall be conducted on the priority lands identified
11 in subsection (d), using the expedited procedures in section 3.

12 (2) The Secretaries shall protect old growth stands and large trees
13 pursuant to subsection (h).

14 (b) SELECTION OF PROJECTS. – The Secretaries of Agriculture and the Interior
15 shall jointly select hazardous fuels reduction projects identified by the
16 Implementation Plan of the Comprehensive Strategy.

17 (c) CONSISTENCY WITH EXISTING FOREST MANAGEMENT PLANS AND
18 ENVIRONMENTAL LAWS. – Any project carried out pursuant to this Act shall be
19 consistent with the applicable forest plan, resource management plan, or other
20 applicable agency plans or environmental laws except as specifically amended by
21 this Act.

22 (d) PRIORITY LANDS. – In implementing projects under this Act, the
23 Secretaries of Agriculture and the Interior shall give highest priority to:

1 (1) *Wildland-urban interface*: Condition class 3 or condition class 2
2 federal lands or, where appropriate, non-federal lands;

3 (2) *Municipal watersheds*: Condition class 3 federal lands located in
4 such proximity to a municipal water supply system that a hazardous fuels
5 reduction project must be carried out to reduce the risk of harm to such
6 system resulting from wildfire;

7 (3) *Fire Regime I lands*: Federal lands that are condition class 3; and

8 (4) *Fire Regimes II and III lands*: Condition class 3 federal lands
9 identified by the Secretary as an area where windthrow or blowdown, or the
10 existence of disease or insect infestation, pose a significant threat to forest
11 health or adjacent private lands.

12 (e) PUBLIC NOTICE AND PUBLIC RESPONSE.

13 (1) QUARTERLY NOTICE. – The Secretary shall provide quarterly
14 notice of each hazardous fuels reduction project which uses the streamlined
15 processes established by this Act. The quarterly notice shall be provided for
16 all projects in the Federal Register and on an agency website and in a local
17 paper of record for local projects. The Secretary may combine this quarterly
18 notice with other quarterly notices otherwise issued regarding federal forest
19 management.

20 (2) CONTENT. – For each hazardous fuels reduction project for which
21 the processes established by this Act are to be used the notice required by
22 paragraph (1) shall include at a minimum:

1 (A) identification of each project as a hazardous fuels
2 reduction project for which the processes established by this Act are
3 to be used;

4 (B) a description of the project, including as much information
5 on its geographic location as practicable;

6 (C) the approximate date on which scoping for the project will
7 begin; and

8 (D) information regarding how interested members of the
9 public can take part in the development of the project, including, but
10 not limited to, project related public meeting notification.

11 (3) PUBLIC MEETING. – Following publication of each quarterly notice
12 under paragraph (1), but before the beginning of scoping under section 3(a),
13 the Secretary shall conduct a public meeting at an appropriate location in
14 each administrative unit of the federal lands regarding those hazardous fuels
15 reduction projects contained in the quarterly notice that are proposed to be
16 conducted in that administrative unit. The Secretary shall provide advance
17 notice of the date and time of the meeting in the quarterly notice or using the
18 same means described in paragraph (1).

19 (4) PUBLIC RESPONSE TO NOTICE OF PROJECTS.

20 (A) IN GENERAL. – A federally formed resource advisory
21 committee may petition, with supporting evidence, the Secretary to
22 better assess ground conditions of land to be covered by projects,

1 during scoping or public comment on specific hazardous fuels
2 reduction projects identified under subsection (b).

3 (B) PRIORITY LANDS INCLUDED IN THE PROJECTS. – For
4 specific hazardous fuels reduction projects the petitioner may seek to
5 correct the inclusion or exclusion of priority lands identified in
6 subsection (d). The petitioner may also seek designation of large
7 trees or old growth stands to be protected under subsection (h).

8 (C) SECRETARIAL RESPONSE. – The Secretary must respond to
9 the petition within 30 days by public notice by the same means
10 described in paragraph (1). The Secretary shall provide a public
11 viewing of the area in question if requested in the petition within 90
12 days of receipt of the petition, with the petitioner and any other
13 interested parties.

14 (D) DETERMINATION OF PETITION. – The Secretary must
15 accept or deny the petition within 120 days of its receipt, based on
16 site-specific review of historic ecological conditions, forest type,
17 present fuel loads, and determination of whether the area properly
18 qualifies as priority lands under subsection (d).

19 (5) FINAL AGENCY ACTION. – The Secretary shall provide notice by
20 the same means described in paragraph (1) of any final agency action
21 regarding a hazardous fuels reduction project for which the processes
22 established by this Act are used.

1 (f) PRIORITY HAZARDOUS FUELS REDUCTION FUNDING. – The Secretaries
2 shall expend no less than 70 percent of funds under this Act on projects within the
3 wildland-urban interface, provided that the Secretaries may adjust this funding
4 formula for a particular State at the request of its governor. In no event shall the
5 Secretaries expend less than 50 percent or greater than 75 percent of funds within the
6 wildland-urban interface for a particular State.

7 (g) MONITORING. – The Secretaries shall establish a multiparty monitoring
8 process with representation from resource industries, environmentalists, independent
9 scientists, community-based organizations, and other interested parties in order for
10 Congress to assess a representative sampling of the hazardous fuels reduction
11 projects implemented pursuant to this Act.

12 (h) LIMITATIONS. – In implementing hazardous fuels reduction projects under
13 this Act the Secretary:

14 (1) shall not undertake any hazardous fuels reduction projects in
15 wilderness study areas or components of the National Wilderness
16 Preservation System;

17 (2) shall not construct new roads in inventoried roadless areas as part
18 of any hazardous fuels reduction project;

19 (3) shall fully maintain the structure, function, processes and
20 composition of structurally complex older forests (old growth) according to
21 each ecosystem type; and

22 (4) outside old growth stands:

1 (A) shall focus on small diameter trees and thin from below to modify fire
2 behavior as measured by rate of spread, height to live crown, and flame length;
3 and

4 (B) shall maximize the retention of large trees to the extent that they
5 promote fire-resistant stands and species diversity as appropriate for the forest
6 type and site.

7 **SEC. 3. EXPEDITED PROCESS.**

8 (a) SCOPING. – The Secretary shall conduct scoping for each hazardous fuels
9 reduction project implemented pursuant to this Act.

10 (b) CATEGORICAL EXCLUSIONS IN THE WILDLAND-URBAN INTERFACE. –

11 (1) IN GENERAL.— The wildland-urban interface hazardous fuels
12 reduction projects authorized by this Act are conclusively determined to be
13 categorically excluded from further analysis under the National
14 Environmental Policy Act of 1969 (“NEPA”), 42 U.S.C. 4332, and the
15 Secretary need not make any findings as to whether the projects individually
16 or cumulatively have a significant effect on the environment.

17 (2) VARIED TREATMENTS. – The Secretary shall vary the treatments
18 and avoid clear cuts inside the wildland-urban interface to ensure forest
19 health. The Secretary shall also protect old growth and large trees pursuant
20 to subsection 2(h).

21 (3) EXTRAORDINARY CIRCUMSTANCES EXCEPTION. – For all
22 hazardous fuels reduction projects implemented pursuant to this subsection, if
23 there are extraordinary circumstances, the Secretary shall follow agency

1 procedures related to categorical exclusions and extraordinary circumstances.
2 For the purposes of this subsection, a project’s location within a municipal
3 watershed shall not be considered an extraordinary circumstance.

4 (4) APPEALS. – No hazardous fuels reduction projects implemented
5 pursuant to this subsection shall be subject to appeal requirements of the
6 Appeals Reform Act (section 322 of Public Law 102-381) or the Department
7 of the Interior Office of Hearings and Appeals.

8 (c) ENVIRONMENTAL ASSESSMENTS OUTSIDE THE WILDLAND-URBAN
9 INTERFACE.

10 (1) IN GENERAL.—For hazardous fuels reduction projects
11 implemented pursuant to this Act on priority lands identified in section 2(d),
12 if a categorical exclusion does not apply, the Secretary shall determine,
13 consistent with NEPA, whether an environmental assessment is sufficient and
14 use the procedures set forth in the Council on Environmental Quality
15 “Guidance for Environmental Assessments of Forest Health Projects,” of
16 December 9, 2002, or as amended.

17 (2) ISSUANCE OF DOCUMENTATION AND SHORTENED APPEALS. --
18 Notwithstanding the Appeals Reform Act, section 322 of the Department of
19 the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-
20 381; 16 U.S.C. 1612 note), or regulations pertaining to the Department of the
21 Interior Office of Hearings and Appeals procedures, for hazardous fuels
22 reduction projects implemented by environmental assessments pursuant to
23 subsection (c)(1):

1 (A) The Secretary may issue the environmental
2 documentation and the decision document for the project
3 simultaneously without public comment. Such issuance shall begin
4 the administrative appeals process immediately.

5 (B) Persons must file any administrative appeal of projects under this
6 subsection within 30 days after the date of issuance of a decision;

7 (C) The Secretary shall resolve any appeal not later than 30 days after the
8 closing date for filing an appeal;

9 (D) If the review officer determines that an appeal has merit,
10 in lieu of remanding the proposed agency action, the review officer, in
11 consultation with the parties, may sign a new decision; and

12 (E) The Secretary shall stay implementation of the project for 15 days
13 beginning on the date on which the Secretary resolves any administrative appeal
14 that complies with the requirements in subsection (d).

15 (d) STANDING TO APPEAL. – If a draft document prepared pursuant to NEPA for a
16 hazardous fuels reduction project was available for public comment, or the project had scoping,
17 the Secretary may require that a person filing an administrative appeal with respect to the project
18 must have been involved in the public comment process for the project by submitting specific
19 and substantive written comments with regard to the project or must have participated in the
20 scoping of the project.

21 (e) SALVAGE MONITORING PILOT PROGRAM.

22 (1) SALVAGE PILOT. – The Secretary is authorized to use the
23 administrative appeals authorities under this subsection, pursuant to

1 paragraph (2), for salvage hazardous fuels reduction projects in the area
2 popularly known as the Biscuit Fire and reference on the map entitled ____
3 and dated ____ on file at the Forest Service ____ office.

4 (2) MONITORING. – The Secretary shall require that any salvage
5 hazardous fuels reduction project on the Biscuit Fire be subject to ecological
6 and economic monitoring of its effects, including on-site evaluation and
7 inspections. The monitoring shall be conducted by a group with
8 representation from independent scientists, industry representatives,
9 environmentalists, community-based organizations, and other interested
10 parties. Group selection shall be through the Western Governors Association
11 Collaborative process. The group shall report to the public under section
12 2(e)(1) on the ecological and economic effects of individual salvage
13 hazardous fuels projects.

14 **SEC. 4. JUDICIAL REVIEW IN THE UNITED STATES DISTRICT COURTS.**

15 (a) VENUE. – A hazardous fuels reduction project conducted under this Act
16 shall be subject to judicial review only in the United States district court for the
17 district in which the federal lands to be treated by the hazardous fuels reduction
18 project are located, notwithstanding 28 U.S.C. 1391 or any other applicable venue
19 statutes.

20 (b) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW. – Congress intends and
21 encourages any court in which is filed a lawsuit or appeal of a lawsuit concerning an
22 authorized hazardous fuels reduction project to expedite, to the maximum extent
23 practicable, the proceedings in such lawsuit or appeal with the goal of rendering a

1 final determination on jurisdiction, and if jurisdiction exists, a final determination on
2 the merits, as soon as possible from the date the complaint or appeal is filed.

3 (c) DURATION OF INJUNCTION. – Any temporary injunctive relief granted
4 regarding a project undertaken pursuant to this Act shall be limited to 60 days, with
5 authority to renew each temporary injunction without limitation. For each injunctive
6 renewal the parties shall present the court with updates on the status of the project.

7 (d) STANDARD OF REVIEW. – Nothing in this section shall change the standards
8 of judicial review for any action concerning a project authorized under this Act.

9 **SEC. 5. CONTRACTING.**

10 (a) BEST VALUE CONTRACTING. – The Secretary shall use best value
11 contracting criteria in awarding at least fifty percent of contracts and agreements for
12 hazardous fuels reduction projects pursuant to this Act. Best value contract criteria
13 will include, but not be limited to:

14 (1) the ability of the contractor to meet the ecological goals of the
15 projects;

16 (2) the use of equipment that will minimize or eliminate impacts on
17 soils; and

18 (3) benefit to local economies in performing the restorative treatments
19 and ensuring that wood by-products are processed locally.

20 (b) MONITORING. – The Forest Service shall monitor the business and
21 employment impacts of hazardous fuels reduction projects including the total dollar
22 value of contracts and agreements awarded to qualifying entities.

23 (c) PUBLIC LANDS CORPS. –

1 (1) CONTRACTS AND AGREEMENTS. –

2 (A) IN GENERAL. – The Secretaries are authorized to enter into contracts or
3 cooperative agreements with a Public Lands Corps

4 (i) to implement and complete projects prioritized in section 2(b) and
5 (d) of this Act; and

6 (ii) to perform appropriate rehabilitation, enhancement, or
7 beautification projects with the Department of Natural Resources, Department
8 of Forestry or Department of Agriculture of any State.

9 (B) INDIAN LANDS. – Such projects may also be carried out on Indian lands
10 with the approval of the relevant Indian tribe.

11 (C) PREFERENCE. – The Secretaries shall give preference to those projects
12 which take place on lands identified as priorities in section 2(d) of this Act and
13 can be planned and initiated promptly.

14 (D) SUPPORTIVE SERVICES. – The Secretaries are authorized to provide such
15 services as the Secretaries deem necessary to carry out the purposes of this Act.

16 (E) TECHNICAL ASSISTANCE. – The Secretaries shall work with the National
17 Association of Service and Conservation Corps to provide technical assistance,
18 oversight, monitoring, and evaluation to the United States Departments of
19 Agriculture and the Interior, State Departments of Natural Resources and
20 Agriculture, and Public Lands Corps.

21 (2) NONDISPLACEMENT. – The nondisplacement requirements of Section 177 of the
22 National and Community Service Trust Act of 1990 shall be applicable to all activities
23 carried out under this Act by the Public Lands Corps.

1 (3) AUTHORIZATION OF APPROPRIATIONS. — For the purposes of this
2 subsection there are authorized to be appropriated \$12,500,000 annually for 5
3 years after the enactment of this Act.

4 (d) DEFINITIONS. For the purposes of this section –

5 (1) CONTRACTS AND AGREEMENTS. – The term “contracts and
6 agreements” means service contracts, timber sale contracts, construction
7 contracts, supply contracts, emergency equipment rental agreements,
8 architectural and engineering contracts, challenge cost-share agreements,
9 cooperative agreements, and participating agreements.

10 (2) QUALIFYING ENTITY. – The term “qualifying entity” means –

11 (A) a natural-resource related small or micro-enterprise;

12 (B) a Youth Conservation Corps or Public Lands Corps crew or
13 related partnership with State, local and other non-federal conservation
14 corps;

15 (C) an entity that will hire and train local people to complete the
16 contract or agreement;

17 (D) an entity that will re-train non-local traditional forest
18 workers to complete the contract or agreement; or

19 (E) a local entity that meets the criteria to qualify for the
20 Historically Underutilized Business Zone Program under section 32 of
21 the Small Business Act (15 U.S.C. 657a).

1 (3) PUBLIC LANDS CORPS. – The term “Public Lands Corps” means any
2 organization established by a state or local government, non-profit organization, or Indian
3 tribe that:

4 (A) has demonstrated the ability:

5 (i) to provide labor intensive productive work to individuals;

6 (ii) to recruit and train economically disadvantaged or at-risk
7 youth;

8 (iii) to give participants a combination of work experience, basic
9 and life skills, education, training and support services; and

10 (iv) to provide participants with the opportunity to develop
11 citizenship values through service to their communities and the United
12 States; and

13 (B) has also successfully completed, or is engaged in, a peer-reviewed,
14 standards based program assessment process.

15 (4) STATE. – The term “State” means any State of the United States,
16 the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United
17 States, or the Commonwealth of the Northern Mariana Islands.

18 **SEC. 6. BIOMASS GRANTS.**

19 (a) DEFINITIONS. – For the purposes of this section:

20 (1) ELIGIBLE OPERATION. – The term “eligible operation” means a facility that is
21 located within the boundaries of an eligible community and uses biomass from federal or
22 Tribal lands as a raw material to produce electric energy, sensible heat, transportation
23 fuels, or substitutes for petroleum-based products.

1 (2) BIOMASS. – The term “biomass” means pre-commercial thinnings of trees
2 and woody plants, or non-merchantable material, from hazardous fuels reduction
3 projects.

4 (3) GREEN TON. – The term “green ton” means 2,000 pounds of biomass that has
5 not been mechanically or artificially dried.

6 (4) ELIGIBLE COMMUNITY. – The term “eligible community” means any Indian
7 Reservation, or any county, town, township, municipality, or other similar unit of local
8 government that has a population of not more than 50,000 individuals and is determined
9 by the Secretary to be located in an area near federal or Tribal lands which is at
10 significant risk of catastrophic wildfire, disease, or insect infestation or which suffers
11 from disease or insect infestation.

12 (5) INDIAN TRIBE. – The term “Indian tribe” has the meaning given the term in
13 section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C.
14 450b(e)).

15 (b) BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.

16 (1) IN GENERAL. — The Secretary may make grants to any individual,
17 community, Indian tribe, small business or corporation, or nonprofit that owns or
18 operates an eligible operation to offset capital expenses and costs incurred to purchase
19 biomass for use by such eligible operation with priority given to operations using
20 biomass from the highest risk areas.

21 (2) LIMITATION.— No grant provided under this subsection shall be paid at a rate
22 that exceeds \$20 per green ton of biomass delivered.

1 (3) RECORDS.— Each grant recipient shall keep such records as the Secretary may
2 require to fully and correctly disclose the use of the grant funds and all transactions
3 involved in the purchase of biomass. Upon notice by the Secretary, the grant recipient
4 shall provide the Secretary reasonable access to examine the inventory and records of any
5 eligible operation receiving grant funds.

6 (4) AUTHORIZATION OF APPROPRIATIONS. – For the purposes of this subsection,
7 there are authorized to be appropriated \$12,500,000 each to the Secretary of the Interior
8 and the Secretary of Agriculture for each fiscal year for five years after the date of
9 enactment of this Act.

10 (c) IMPROVED BIOMASS UTILIZATION PROGRAM.

11 (1) IN GENERAL.—The Secretary may make grants to persons in eligible
12 communities to offset the costs of developing or researching proposals to improve the use
13 of biomass or add value to biomass utilization.

14 (2) SELECTION.—Grant recipients shall be selected based on the potential for the
15 proposal to—

16 (A) develop affordable thermal or electric energy resources for the benefit
17 of an eligible community;

18 (B) provide opportunities for the creation or expansion of small businesses
19 within an eligible community;

20 (C) create new job opportunities within an eligible community, and

21 (D) reduce the hazardous fuels from the highest risk areas.

22 (3) LIMITATION.—No grant awarded under this subsection shall exceed \$500,000.

1 (4) AUTHORIZATION OF APPROPRIATIONS.— For the purposes of this subsection,
2 there are authorized to be appropriated \$12,500,000 each to the Secretary of the Interior
3 and the Secretary of Agriculture for each fiscal year for the five years after enactment of
4 this Act.

5 (d) REPORT. Not later than 3 years after the date of enactment of this Act, the Secretary of
6 the Interior and the Secretary of Agriculture shall jointly submit to the Congress a report that
7 describes the interim results of the programs authorized under this section.

8 **SEC. 7. FOREST STANDS INVENTORY AND MONITORING PROGRAM.**

9 (a) IN GENERAL. – The Secretary of Agriculture and the Secretary of the
10 Interior shall carry out, in conjunction with the National Aeronautics and Space
11 Administration and other relevant agencies and research facilities (including the Forest
12 Service Research Stations and academic institutions), a comprehensive program to
13 inventory and assess forest stands on federal forest land and, with the consent of the
14 owner, private forest land. The objective of this program shall be to evaluate current
15 and future forest health conditions and address ecological impacts of insect, disease,
16 invasive species, fire and weather-related episodic events. Emphasis shall be placed
17 upon coordinating, reconciling, and field verification of existing data (including
18 remotely sensed and modeled data utilized to characterize vegetation/cover types,
19 density, fire regimes, fire effects, and condition classes), and improving the accuracy
20 of such data to assist in management activities.

21 (b) LOCATION. – The facility for this program shall be located at the Ochoco
22 National Forest Headquarters in Prineville, Oregon.

23 (c) AUTHORIZATION OF APPROPRIATIONS.— For the purposes of this section,

1 there are authorized to be appropriated \$5,000,000 each fiscal year for the five years
2 after enactment of this Act.

3 **SEC. 8. EMERGENCY FUELS REDUCTION GRANTS.**

4 (a) IN GENERAL. – The Secretary of Agriculture shall establish an Emergency
5 Fuels Reduction Grant program to provide State and local agencies with financial
6 assistance for hazardous fuels reduction projects addressing threats of catastrophic fire
7 that have been determined by the United States Forest Service to pose a serious threat
8 to human life.

9 (b) ELIGIBILITY. – Fuels reduction projects eligible for funding under the
10 Emergency Fuels Reduction Grant program shall:

11 (1) be surrounded by or immediately adjacent to national forest
12 boundaries;

13 (2) have been determined to be of paramount urgency by virtue of
14 declarations of emergency by both local officials and the governor of the State
15 in which they are located; and

16 (3) remove fuel loading determined to pose a serious threat to human
17 life by the United States Forest Service.

18 (c) USE OF GRANT FUNDS. – Funds authorized under this section shall be
19 limited to the following uses:

20 (1) removal of trees, shrubs or other potential fuels adjacent to primary
21 evacuation routes;

1 (2) removal of trees, shrubs or other potential fuels adjacent to
2 emergency response centers, emergency communication facilities or sites
3 designated as shelter-in-place facilities; and

4 (3) evacuation drills and preparation.

5 (d) REVOLVING FUND. – For work done on private property and county lands,
6 the grant recipients shall deposit into a revolving fund any proceeds from sale of the
7 timber or biomass from the projects funded under this section. The revolving fund
8 shall be used to assist with subsequent grants under this section.

9 (e) EMERGENCY FUELS REDUCTION GRANTS. – For the purposes of funding the
10 Emergency Fuels Reduction Grant program under this Act, there are authorized to be
11 appropriated to the Secretary of Agriculture \$50,000,000 each fiscal year that this Act
12 is in effect. Subject to section 13, amounts appropriated in one fiscal year and
13 unobligated before the end of that fiscal year shall remain available for use in
14 subsequent fiscal years.

15 **SEC. 9. MARKET INCENTIVES FOR HOME PROTECTION.** – It is the Sense of Congress
16 that insurers should reduce premiums for homeowners in condition class 2 and
17 condition class 3 areas within the wildland-urban interface who:

18 (a) clear brush and other flammable material in the vicinity of their homes;

19 (b) use non-flammable building materials for roofs and other critical structures; or

20 (c) otherwise improve the defensibility of their homes against catastrophic fire.

21 **SEC. 10. ONGOING PROJECTS AND EXISTING AUTHORITIES.** – Nothing in this Act
22 shall affect projects begun prior to enactment of this Act or affect authorities
23 otherwise granted to the Secretaries under existing law.

1 **SEC. 11. PREFERENCE TO COMMUNITIES THAT HAVE ORDINANCES ON FIRE**
2 **PREVENTION.**

3 (a) IN GENERAL. – In determining the allocation of funding for the
4 Community and Private Land Fire Assistance Program (16 USC 2106c/PL-171 Sec.
5 10A(b)), the Secretary shall prioritize funding to those communities which have
6 taken proactive steps through the enactment of ordinances and other means,
7 including those that have developed a comprehensive fire protection plan
8 encompassing all ownerships, to encourage property owners to reduce fire risk on
9 private property.

10 (b) PRIVATE LANDS. – Nothing in this Act shall affect existing authorities to
11 use appropriations authorized by this Act to carry out the provisions under this Act
12 on non-federal lands with the consent of the land owner.

13 **SEC. 12. SUNSET.** – The provisions of this Act shall expire five years after the date of
14 enactment, except that projects for which a decision notice has been issued by that
15 date may continue to be implemented.

16 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) NATIONAL FOREST SYSTEM LANDS.—For the purposes of planning and
18 conducting hazardous fuels reduction projects under this Act on National Forest
19 System Lands, there are authorized to be appropriated to the Secretary of Agriculture
20 \$1,943,100,000 during the five-fiscal year period beginning October 1, 2003. Subject
21 to section 12, amounts appropriated in one fiscal year and unobligated before the end
22 of that fiscal year shall remain available for use in subsequent fiscal years.

1 (b) BLM LANDS. — For the purpose of planning and conducting hazardous
2 fuels reduction projects under this Act on Federal lands managed by the Secretary of
3 the Interior, there are authorized to be appropriated to the Secretary of the Interior
4 \$1,888,000,000 during the five-fiscal year period beginning October 1, 2003.
5 Subject to section 12, amounts appropriated in one fiscal year and unobligated before
6 the end of that fiscal year shall remain available for use in subsequent fiscal years.

7 **SEC. 14. DEFINITIONS.**

8 (a) LAND TYPES AND FIRE REGIME AREAS. — In this Act definitions of land
9 types and fire regimes originate from the U.S. Forest Service Rocky Mountain
10 Research Station, as follows —

11 (1) CONDITION CLASS 2. — The term “condition class 2” refers to lands
12 on which —

13 (A) fire frequencies have been moderately altered and have
14 departed from historic fire return frequencies (either increased or
15 decreased) by one or more return interval, which results in moderate
16 changes to fire size, frequency, intensity, severity or landscape
17 patterns;

18 (B) there exists a moderate risk of losing key ecosystem
19 components; and

20 (C) vegetation attributes have been moderately altered from
21 their historic range.

22 (2) CONDITION CLASS 3.—The term “condition class 3” refers to lands
23 on which —

1 (A) fire regimes have been significantly altered from their
2 historic range, which results in dramatic changes to fire size,
3 frequency, intensity, severity, or landscape patterns;

4 (B) there exists a high risk of losing key ecosystem
5 components; and

6 (C) vegetation attributes have been significantly altered from
7 their historic range.

8 (3) FIRE REGIME I. – The term “fire regime I” refers to lands on which
9 historically fire recurs in 0-35 year intervals and burns with low severity.

10 (4) FIRE REGIME II. – The term “fire regime II” refers to lands on
11 which historically fire recurs in 0-35 year intervals and replaces existing
12 vegetation.

13 (5) FIRE REGIME III. – The term “fire regime III” refers to lands on
14 which historically fire recurs in 35-100 year intervals and burns with mixed
15 severity.

16 (b) AT-RISK COMMUNITY. – The term “at-risk community” means a
17 geographic area designated by the Secretary as any area –

18 (1) defined as an interface community in Volume 66, page 753, of the
19 January 4, 2001 Federal Register;

20 (2) on which conditions are conducive to large-scale wildland fire
21 disturbance events; and

22 (3) for which a significant threat to human life exists as a result of
23 wildland fire disturbance events.

1 (c) BEST VALUE CONTRACTING. – The term “best value contracting” means
2 the contracting process described in section 15.101 of title 48, Code of Federal
3 Regulations, which allows the inclusion of non-cost factors in the federal contract
4 process.

5 (d) COMPREHENSIVE STRATEGY. – The term “Comprehensive Strategy”
6 means the Comprehensive Strategy for a Collaborative Approach for Reducing
7 Wildland Fire Risks to Communities and the Environment, dated May 2002,
8 including by reference the related Implementation Plan, which was developed
9 pursuant to the conference report to accompany the Department of Interior and
10 Related Agencies Appropriations Act, 2001 (House Report 106-646).

11 (e) FEDERAL LANDS. – The term “federal lands” means National Forest
12 System lands and public forested lands administered by the Secretary of the Interior
13 acting through the Bureau of Land Management.

14 (f) GEOGRAPHIC FEATURE. – The term “geographic feature” means a ridge
15 top, road, stream, or other landscape feature which can serve naturally as a firebreak,
16 staging ground for firefighting, or boundary affecting fire behavior.

17 (g) HAZARDOUS FUELS REDUCTION PROJECT. – The term “hazardous fuels
18 reduction project” means a project –

19 (1) undertaken for the purpose of reducing the amount of hazardous
20 fuels resulting from alteration of a natural fire regime as a result of fire
21 suppression or other management activities; and

22 (2) accomplished through the use of prescribed burning or mechanical
23 treatment, or a combination thereof.

1 (h) INVENTORIED ROADLESS AREA. – The term “inventoried roadless area”
2 means one of the areas identified in the set of inventoried roadless area maps
3 contained in the Forest Service Roadless Areas Conservation, Final Environmental
4 Impact Statement, Volume 2, dated November, 2000.

5 (i) LOCAL PREFERENCE CONTRACTING. – The term “local preference
6 contracting” means the federal contracting process that gives preference to local
7 businesses described in section 333 of the Department of Interior and Related
8 Agencies Appropriations Act, 2003 (division F of Public Law 108-7, 117 Stat. 277).

9 (j) MUNICIPAL WATER SUPPLY SYSTEM. – The term “municipal water supply
10 system” means reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other
11 surface facilities and systems constructed or installed for the impoundment, storage,
12 transportation, or distribution of drinking water for a community.

13 (k) SECRETARY. – The term “Secretary” means the Secretary of Agriculture,
14 or the Secretary’s designee, with respect to National Forest System lands; and the
15 Secretary of the Interior, or the Secretary’s designees, with respect to public lands
16 administered by the Secretary through the Bureau of Land Management.

17 (l) WILDLAND-URBAN INTERFACE. – The term “wildland-urban interface”
18 means the area either within an at-risk community or within the area

19 (1) extending out to a geographic feature, if there is such a feature
20 within approximately three-quarters of a mile of the community boundary; or

21 (2) if there is no such geographic feature, extending out one-half mile
22 from the community boundary.